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EXAMINER

BURGE, LONDRA C

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/842,323

Applicant(s)

ZEH, KAI

Examiner

Londra C Burge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to communications: Amendment filed 1/6/2005.
2. Claims 1-23 are pending. Claims 1, 7, 12, 17 and 18 are independent claims. Claims 1-16 are original claims and claims 17-23 are newly added claims.
3. This action have been made Final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 7, 12, 16, ~~22~~^{10P} remain and claims 17-19, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawaguchi U.S. Patent No. 5,961,386 filed 12/11/1996 provided by the applicant in view of. Millman et al. (herein after Millman) U.S. Patent No. 5,619,635 filed 11/7/1995 provided by the applicant.

In regard to independent claim 1, Sawaguchi discloses *a system for providing video game specification data* (Sawaguchi Abstract Lines 1-5 i.e. computer game with specific characteristic data for each game), *comprising; a display* (Sawaguchi Abstract Lines 10-11 i.e. displayed all on display units);

Sawaguchi does not specifically mention *a control circuit for causing said display to display an interactive form containing data entry fields for inputting ... specification data that specifies characteristics of a video game developed for a particular game platform*. However,

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Millman mentions complex forms on an interactive basis wherein the user selectively enters form constraint information.... Selected inputs are thereafter presented on a display providing the designer with immediate feedback on the appearance of the selection (Millman Col 2 Lines 37-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Millman to Sawaguchi, providing Sawaguchi the benefit of using forms to input specific information the user would like to see for the video game so each user can ensure that the settings they choose are the correct settings for their particular computer.

In regard to dependent claim 2, Sawaguchi discloses *wherein one or more of the data entry fields have data validation rules associated therewith.* (Sawaguchi Col 4 Lines 40-41 i.e. data is confirmed and Fig 4 step 403)

In regard to independent claim 7, Sawaguchi discloses *displaying on a display* (Sawaguchi Abstract Lines 10-11 i.e. displayed all on display units); *and validating the data entered into the data entry fields.* (Sawaguchi Col 4 Lines 40-41 i.e. data is confirmed and Fig 4 step 403)

Sawaguchi does not specifically mention *an interactive form containing data entry fields for inputting ... specification data that specifies characteristics ... developed for a particular ... platform; and entering ... specification data into the data entry fields.* However, Millman mentions complex forms on an interactive basis wherein the user selectively enters form constraint information.... Selected inputs are thereafter presented on a display providing the designer with immediate feedback on the appearance of the selection (Millman Col 2 Lines 37-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Millman to Sawaguchi, providing Sawaguchi the benefit of using forms to input specific

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information the user would like to see for the video game so each user can ensure that the settings they choose are the correct settings for their particular computer.

In regard to independent claim 12, Sawaguchi discloses *a communication circuitry for receiving video games and video game specification data submitted thereto over a communications network* (Sawaguchi Abstract Lines 9-16 i.e. players able to play at the same time on the network); *a memory for storing routing information* (Sawaguchi Col 2 Lines 2-4 i.e. memory means for storing); *and processing circuitry for routing data regarding submitted video games and video game specification data in accordance with the routing data.* (Sawaguchi Col 2 Lines 2-6 i.e. CPU for processing the computer game)

In regard to dependent claim 16, Sawaguchi discloses *wherein the data regarding submitted video games and video game specification data comprises the submitted video games and/or the video game specification data.* (Sawaguchi Abstract Lines 1-5 i.e. computer game with specific characteristic data for each game)

In regard to independent claim 17, Sawaguchi discloses *to enter video game program specification data specifying characteristics for one or more video game programs.* (Sawaguchi Abstract Lines 1-5 i.e. computer game with specific characteristic data for each game)

Sawaguchi does not specifically disclose *a processing system; and a game submission application executed by the processing system for generating one or more display screens usable by video game program developers that remotely access the video game submission system server and for generating one or more display screens providing status information regarding video game programs previously submitted to the video game submission system.* However, Millman mentions complex forms on an interactive basis wherein the user selectively enters

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form constraint information.... Selected inputs are thereafter presented on a display providing the designer with immediate feedback on the appearance of the selection (Millman Col 2 Lines 37-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Millman to Sawaguchi, providing Sawaguchi the benefit of using forms to input specific information the user would like to see for the video game so each user can ensure that the settings they choose are the correct settings for their particular computer.

In regard to independent claim 18, Sawaguchi discloses *the video game program characteristics input* (Sawaguchi Abstract Lines 1-5 i.e. computer game with specific characteristic data for each game)

Sawaguchi does not specifically disclose *generate one or more interactive forms that are remotely accessible via a communication network, the interactive forms comprising data fields for inputting characteristics of a video game program; receive via the communication network ...to the interactive forms along with a corresponding video game program; and automatically route the received video game program characteristics and video game program in accordance with a routing list to one or more video game reviewers.* However, Millman mentions complex forms on an interactive basis wherein the user selectively enters form constraint information.... Selected inputs are thereafter presented on a display providing the designer with immediate feedback on the appearance of the selection (Millman Col 2 Lines 37-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Millman to Sawaguchi, providing Sawaguchi the benefit of using forms to input specific information the user would like to see for the video game so each user can ensure that the settings they choose are the correct settings for their particular computer.

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In regard to dependent claim 19, Sawaguchi discloses *storing further instructions for controlling the video game submission system server to: store the received video game program characteristics and video game program in a storage device.* (Sawaguchi Col 2 Lines 1-15 i.e. means for storing the game)

In regard to dependent claim 22, Sawaguchi discloses *validate the video game program characteristics input to one or more of the data fields.* (Sawaguchi Col 4 Lines 40-41 i.e. data is confirmed and Fig 4 step 403)

In regard to dependent claim 23, Sawaguchi discloses *storing further instructions for controlling the video game submission system server to: generate indicia indicative of a failure to validate the video game program characteristics input to one or more of the data fields.* (Sawaguchi Col 4 Lines 40-41 i.e. data is confirmed or not confirmed and Fig 4 step 403)

5. **Claims 3 and 8 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Sawaguchi provided by the applicant in view of. Millman et al. (herein after Millman) provided by the applicant as applied to claims 1 and 7 and in further view of Brown U.S. Patent No. 6,671,768 B1 filed 11/1/1999.**

In regard to dependent claim 3, Sawaguchi discloses *a video game* (Sawaguchi Abstract Lines 1-5 i.e. computer game)

Sawaguchi does not specifically mention *a procedure that is executable to generate a CRC from a ROM image* of the video game. However, Brown mentions ROM images (Brown Col 10 Lines 45-65), which generates CRCs (Brown Col 1 Lines 50-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Brown to

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Sawaguchi, providing Sawaguchi the benefit of having ROM images that generate CRCs to recomputed the checksum based upon the received data and compares this value with the one sent with the data.

In regard to dependent claim 8, claim 8 provides similar subject mentioned in claim 3 and is rejected along the same rationale.

6. **Claims 4-6 and 9-11 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Sawaguchi provided by the applicant in view of. Millman et al. (herein after Millman) provided by the applicant as applied to claims 1 and 7, in view of Brown U.S. Patent No. 6,671,768 B1 filed 11/1/1999. in further view of Shaklee U.S. Patent No. 5,841,952 filed 4/29/1996.**

In regard to dependent claim 4, Sawaguchi does not specifically mention *a ROM image* of the video game. However, Brown mentions ROM images (Brown Col 10 Lines 45-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Brown to Sawaguchi, providing Sawaguchi the benefit of having ROM images that are constructed from entries made to the database which will allow the user to store the images in a memory for future use.

Sawaguchi does not specifically mention a procedure that is executable to *split* a ROM image of the video game. However, Shaklee mentions separated images (Shaklee Col 3 Lines 20-35 and Col 7 Lines 20-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Shaklee to Sawaguchi, providing Sawaguchi the benefit of

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separate the ROM image as one of many options of adjusting the images as it is necessary to split the file to a size that can be accommodated on floppy disks.

In regard to dependent claim 5, Sawaguchi does not specifically mention *a ROM image* of the video game. However, Brown mentions ROM images (Brown Col 10 Lines 45-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Brown to Sawaguchi, providing Sawaguchi the benefit of having ROM images that are constructed from entries made to the database which will allow the user to store the images in a memory for future use.

Sawaguchi does not specifically mention a procedure that is executable to *merge* a file with a ROM image of the video game. However, Shaklee mentions circuits to merge image segments (Shaklee Col 3 Lines 47-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Shaklee to Sawaguchi, providing Sawaguchi the benefit of choosing a ROM image to split or one file from a split file set to *merge* back to an image via a drive selection.

In regard to dependent claim 6, Sawaguchi does not specifically mention *a ROM image* of the video game. However, Brown mentions ROM images (Brown Col 10 Lines 45-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Brown to Sawaguchi, providing Sawaguchi the benefit of having ROM images that are constructed from entries made to the database, which will allow the user to store the images in a memory for future use.

Sawaguchi does not specifically mention a procedure that is executable to *adjust the size* of a ROM image of the video game. However, Shaklee mentions placing a single image onto a

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medium and the size or location of segments of the image are adjusted as the image is transferred from the display device to the medium (Shaklee Col 8 lines 24-27). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Brown to Sawaguchi, providing Sawaguchi the benefit of adjusting the size of the image for such options as fitting in the floppy disk.

In regard to dependent claim 9, claim 9 provides similar subject mentioned in claim 4 and is rejected along the same rationale.

In regard to dependent claim 10, claim 10 provides similar subject mentioned in claim 5 and is rejected along the same rationale.

In regard to dependent claim 11, claim 11 provides similar subject mentioned in claim 6 and is rejected along the same rationale.

7. **Claims 13-14 remain and 20, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawaguchi provided by the applicant as applied to claim 12 in view of Millman et al. (herein after Millman) provided by the applicant as applied to claim 12 in view of Crump et al (herein after Crump) U.S. Patent No. 5,791,992 filed 7/31/1996.**

In regard to dependent claim 13, Sawaguchi does not disclose wherein the communications network is the Internet. However, Crump mentions video games that are played on the Internet (Crump Abstract Lines 1-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Crump to Sawaguchi, providing Sawaguchi the benefit of allowing the users the play the video games on the internet allowing the user to transfer information from the game to other users or players of the game.

In regard to dependent claim 14, Sawaguchi does not disclose wherein the memory further stores status data regarding the status of submitted of video games and video game specification data, the status information being accessible to remote computer terminals. However, Crump mentions Status bits sent to processors to indicate the condition of data (Crump Col 4 Lines 38-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Crump to Sawaguchi, providing Sawaguchi the benefit of allowing user to get the status of the game reviewing and testing to the game submitter.

In regard to dependent claim 20, Sawaguchi discloses *storing further instructions for controlling the video game submission system server to: generate one or more remotely accessible display screens providing status information regarding a review of the video game program by the video game reviewers*. However, Crump mentions Status bits sent to processors to indicate the condition of data (Crump Col 4 Lines 38-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Crump to Sawaguchi, providing Sawaguchi the benefit of allowing user to get the status of the game reviewing and testing to the game submitter.

In regard to dependent claim 21, Sawaguchi does not specifically mention *wherein the communication network comprises the Internet*. However, Crump mentions video games that are played on the Internet (Crump Abstract Lines 1-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Crump to Sawaguchi, providing Sawaguchi the benefit of allowing the users the play the video games on the internet allowing the user to transfer information from the game to other users or players of the game.

8. **Claim 15 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Sawaguchi provided by the applicant as applied to claim 12 in view of Millman et al. (herein after Millman) provided by the applicant as applied to claim 12 in view of Kohari et al (herein after Kohari) U.S. Patent No. 5,291,405 filed 10/10/1990 provided by the applicant.**

In regard to dependent claim 15, Sawaguchi does not disclose wherein the data regarding submitted video games and video game specification data comprises a notification of receipt of the submitted video game and video game specification data. However, Kohari mention notification being given to personnel regarding changes to a document (Kohari Col 10 Lines 42-62). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kohari to Sawaguchi, providing Sawaguchi the benefit of notifying the user of the status of changes to the specifications of the video game.

Response to Arguments

9. **Applicant's arguments filed 1/6/2005 have been fully considered but they are not persuasive.**

The applicant argues a particular game platform and displaying a form having data input field for inputting such game specification data is not disclosed (Page 6 last Para). Sawaguchi does not specifically mention *a control circuit for causing said display to display an interactive form containing data entry fields for inputting ... specification data that specifies characteristics of a video game developed for a particular game platform*. However, Millman mentions complex

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forms on an interactive basis wherein the user selectively enters form constraint information.... Selected inputs are thereafter presented on a display providing the designer with immediate feedback on the appearance of the selection (Millman Col 2 Lines 37-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Millman to Sawaguchi, providing Sawaguchi the benefit of using forms to input specific information the user would like to see for the video game so each user can ensure that the settings they choose are the correct settings for their particular computer.

The applicant argues there is no teaching of a user indicating in field the kind of game to be displayed and validating (Page 7 Para 2 Lines 14-16). However Sawaguchi Abstract Lines 1-5 show a computer game with specific characteristic data for each game. Millman mentions complex forms on an interactive basis wherein the user selectively enters form constraint information.... Selected inputs are thereafter presented on a display providing the designer with immediate feedback on the appearance of the selection (Millman Col 2 Lines 37-43).

The application also argues the Shaklee does not disclose of separate images (Page 8 Para 2). However, Shaklee mentions separated images at Col 3 Lines 20-35 and Col 7 Lines 20-23. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Shaklee to Sawaguchi, providing Sawaguchi the benefit of separate the ROM image as one of many options of adjusting the images as it is necessary to split the file to a size that can be accommodated on floppy disks.

The applicant also argues that Crump does not disclose playing games over the Internet (Page 8 Para 3). However, Crump mentions video games that are played on the Internet at Crump Abstract Lines 1-5. It would have been obvious to one of ordinary skill in the art at the time of

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the invention to apply Crump to Sawaguchi, providing Sawaguchi the benefit of allowing the users the play the video games on the internet allowing the user to transfer information from the game to other users or players of the game.

In newly added claim 17 Sawaguchi discloses *to enter video game program specification data specifying characteristics for one or more video game programs*. (Sawaguchi Abstract Lines 1-5 i.e. computer game with specific characteristic data for each game)

Sawaguchi does not specifically disclose *a processing system; and a game submission application executed by the processing system for generating one or more display screens usable by video game program developers that remotely access the video game submission system server and for generating one or more display screens providing status information regarding video game programs previously submitted to the video game submission system*. However, Millman mentions complex forms on an interactive basis wherein the user selectively enters form constraint information.... Selected inputs are thereafter presented on a display providing the designer with immediate feedback on the appearance of the selection (Millman Col 2 Lines 37-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Millman to Sawaguchi, providing Sawaguchi the benefit of using forms to input specific information the user would like to see for the video game so each user can ensure that the settings they choose are the correct settings for their particular computer.

In newly added claim 18 Sawaguchi discloses *the video game program characteristics input* (Sawaguchi Abstract Lines 1-5 i.e. computer game with specific characteristic data for each game)

Sawaguchi does not specifically disclose *generate one or more interactive forms that are remotely accessible via a communication network, the interactive forms comprising data fields for inputting characteristics of a video game program; receive via the communication network ...to the interactive forms along with a corresponding video game program; and automatically route the received video game program characteristics and video game program in accordance with a routing list to one or more video game reviewers.* However, Millman mentions complex forms on an interactive basis wherein the user selectively enters form constraint information.... Selected inputs are thereafter presented on a display providing the designer with immediate feedback on the appearance of the selection (Millman Col 2 Lines 37-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Millman to Sawaguchi, providing Sawaguchi the benefit of using forms to input specific information the user would like to see for the video game so each user can ensure that the settings they choose are the correct settings for their particular computer.

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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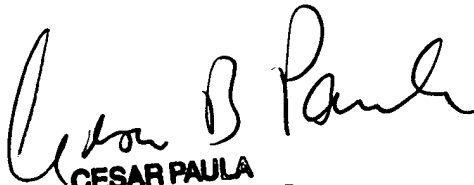
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Londra C Burge whose telephone number is (571) 272-4122. The examiner can normally be reached on 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LCB
5/3/2005


CESAR PAULA
PRIMARY EXAMINER